

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

)

8:16CV49

)

Petitioner,

)

)

v.

)

**MEMORANDUM  
AND ORDER**

)

STATE OF NEBRASKA,

)

)

Respondent.

)

The court must conduct an initial review of Billy Tyler's Petition for Writ of Habeas Corpus (Filing No. [1](#)) to determine whether his claims are potentially cognizable in federal court. A habeas corpus petition must "substantially follow either the form appended to [the *Rules Governing Section 2254 Cases in the United States District Courts*], or a form prescribed by a local district-court rule." See Rule 2 of the *Rules Governing Section 2254 Cases in the United States District Courts*.

Here, Tyler did not use the Form AO 241, Petition for Writ of Habeas Corpus by a Person in State Custody. Rather, he submitted a one-page document that does not clearly indicate the judgment challenged or the grounds alleged. Tyler's petition is insufficient and the court will not act upon it. However, on the court's own motion, Tyler will have 30 days in which to file an amended petition for writ of habeas corpus.

IT IS THEREFORE ORDERED that:

1. Tyler is directed to file an amended petition for writ of habeas corpus within 30 days in accordance with this Memorandum and Order. To avoid confusion, any document Tyler sends to the clerk of the court for filing in this case must clearly display the case number. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.

2. The clerk of the court is directed to send to Tyler the Form AO241 (Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2254) and the Form AO242 (Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241).

3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: March 3, 2016: Check for amended petition.

4. Tyler's Motion for Leave to Proceed in Forma Pauperis (Filing No. [2](#)) is granted.

DATED this 3rd day of February, 2016.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge